

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

U.S.A.

v.

Julio Mejia

DOCUMENT #

22

Date: March 7, 2008

U.S.C.A.# 08-0656-cr

U.S.D.C.# 07-CR-0803-1

D.C. JUDGE GERARD E. LYNCH

INDEX TO THE RECORD ON APPEAL

Prepared by (Name) Pablo Rolon

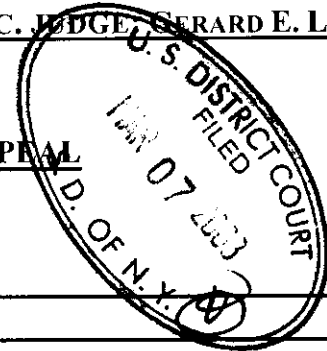
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SEE ATTACHED LIST, ALL CIRCLED DOCUMENTS ARE INCLUDED.

(xxx) Original Record

( ) Supplemental Record

The record in the above-entitled case was indexed to the U.S.C.A. for the  
Second Circuit on the 7<sup>th</sup> Day of March, 2008.

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

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**U.S.A.**

**U.S.C.A.# 08-0656-cr**

**v.**

**U.S.D.C.# 07-CR-0803-1**

**Julio Mejia**

**D.C. JUDGE: GERARD E. LYNCH**

**Clerk's Certificate**

**I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 through 21, inclusive, constitutes the original record on appeal in the above-entitled proceedings except for the following missing documents:**

**Date Filed**

**Document Description**

**02/06/2008**

**Letter by Julio Mejia**

**In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 7<sup>th</sup> Day of March In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>nd</sup> year.**

**J. Michael McMahon**

By \_\_\_\_\_  
**Deputy Clerk**

APPEAL, CLOSED, ECF, PRIOR

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:07-cr-00803-GEL-1**  
**Internal Use Only**

Case title: USA v. Mejia  
 Magistrate judge case number: 1:07-mj-00850-UA

Date Filed: 08/24/2007  
 Date Terminated: 01/30/2008

Date Filed	#	Docket Text
05/24/2007	<u>1</u>	COMPLAINT as to Julio Mejia (1), Gustavo Quintero (2). In Violation of 21 U.S.C. 846 (Narcotics Conspiracy) (Signed by Judge Kevin Nathaniel Fox ) (dif) [1:07-mj-00850-UA] (Entered: 05/25/2007)
05/24/2007		Arrest of Julio Mejia. (dif) [1:07-mj-00850-UA] (Entered: 05/25/2007)
05/24/2007	<u>2</u>	CJA 23 Financial Affidavit by Julio Mejia. (Signed by Judge Kevin Nathaniel Fox ) (dif) [1:07-mj-00850-UA] (Entered: 05/25/2007)
05/24/2007		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox :Initial Appearance as to Julio Mejia held on 5/24/2007., with CJA Attorney Maurice Sercarz by Julia Gallo with spanish interpreter and AUSA William Harrington for the government. Detention Hearing Scheduled at Defendant's Request for 6/5/07 at 10:45 AM; Preliminary Examination set for 6/8/2007 10:00 AM before Judge Unassigned. (dif) [1:07-mj-00850-UA] (Entered: 05/25/2007)
05/24/2007	<u>9</u>	CJA 20 as to Julio Mejia: Appointment of Attorney Maurice H. Sercarz for Gustavo Quintero.. (Signed by Judge Kevin Nathaniel Fox on 5/24/07) CJA office mailed original to the attorney and sent a copy to the court file.(sao) [1:07-mj-00850-UA] (Entered: 06/18/2007)
06/25/2007	<u>11</u>	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Julio Mejia, Gustavo Quintero. Time excluded from 6/25/07 until 7/25/07. (Signed by Judge Debra C. Freeman on 6/25/07)(ccu) [1:07-mj-00850-UA] (Entered: 06/27/2007)
07/25/2007	<u>13</u>	AFFIRMATION of AUSA William Harrington in Support by USA as to Julio Mejia that an extension of 30-Day of the application of the order of continuance (dif) [1:07-mj-00850-UA] (Entered: 07/31/2007)
07/25/2007		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Julio Mejia. Time excluded from 7/25/2007 until 8/24/2007. Follows oral order of 7/25/2007.. (Signed by Judge Michael H. Dolinger on 7/25/2007)(dif) [1:07-mj-00850-UA] (Entered: 07/31/2007)
08/24/2007	<u>14</u>	INDICTMENT FILED as to Julio Mejia (1) count(s) 1. (jni) (Entered: 08/27/2007)
08/24/2007	<u>15</u>	NOTICE OF INTENT TO FILE an Information by U.S.A. as to Julio Mejia. (Document originally filed 7/25/07) (jm) (Entered: 08/27/2007)
08/24/2007		Case Designated ECF as to Julio Mejia. (jm) (Entered: 08/27/2007)
11/01/2007		Minute Entry for proceedings held before Judge Gerard E. Lynch:Arraignment as to Julio Mejia (1) Count 1 held on 11/1/2007. Deft Julio Mejia present with atty Julia Gatto. AUSA William Harrington present. Court reporter present. The deft pleads guilty to count 1 of 07 cr 803 (GEL). Deft allocuted and advised of rights. Plea accepted. PSR ordered. Sentence set for 1/25/08 at 2:00pm. Deft cont'd remanded. (jw) (Entered: 01/29/2008)
11/01/2007		Minute Entry for proceedings held before Judge Gerard E. Lynch: Plea entered by Julio Mejia (1) Guilty as to Count 1. (jw) (Entered: 01/29/2008)
11/01/2007		Order of Referral to Probation for Presentence Investigation and Report as to Julio Mejia. (Signed by Judge Gerard E. Lynch on 11/1/07)(jw) (Entered: 01/29/2008)
11/01/2007		Minute Entry for proceedings held before Judge Gerard E. Lynch: as to Julio Mejia; Sentencing set for 1/25/2008 at 02:00 PM before Judge Gerard E. Lynch. (jw) (Entered: 01/29/2008)
01/24/2008	<u>16</u>	TRANSCRIPT of Proceedings as to Julio Mejia held on 11/01/07 before Judge Gerard E. Lynch. (es) (Entered: 01/24/2008)
01/25/2008		Minute Entry for proceedings held before Judge Gerard E. Lynch:Sentencing held on 1/25/2008 for Julio Mejia (1) Count 1. (pr) (Entered: 01/30/2008)
01/30/2008	<u>18</u>	JUDGMENT as to Julio Mejia (1), Count(s) 1, 60 months imprisonment, 4 years supervised release with supervision. \$100.00 special assessment.Deft remanded to the custody of the USM. (see attached J&C for full text) (Signed by Judge Gerard E. Lynch on 1/28/08)(pr) (Entered: 01/30/2008)

01/30/2008		Judgment entered in money judgment book as #08,0176 as to Julio Mejia in the amount of \$ 100.00, re: <u>18</u> Judgment. (dt) (Entered: 02/04/2008)
02/01/2008	<u>21</u>	Letter Construed as NOTICE OF APPEAL by Julio Mejia from <u>18</u> Judgment.(tp) Modified on 2/13/2008 (tp). (Entered: 02/07/2008)
02/01/2008		Appeal Remark as to Julio Mejia re: <u>21</u> Notice of Appeal - Final Judgment. CJA GRANTED 5/24/08. (tp) (Entered: 02/07/2008)
02/05/2008	<u>19</u>	ORDER as to Julio Mejia. The Court recently received in chambers a letter from deft informing the Court "of [his] intention of appealing to The Escpate Valve Law," and stating that he is looking forward to hearing from [the Court] soon." (Letter of Julio Cesar Mejia, to the Court, dated Jan. 29, 2008.) The letter was dated January 29, 2008, postmarked January 30, 2008, and received on February 1, 2008. Deft was sentenced on January 25, 2008, with the judgment signed on January 28, 2008, and entered on January 30, 2008. Although it is not clear from the letter exactly what deft seeks, what is clear is the letter was written without the assistance of counsel, made implicit reference to his recent sentence, and used the term "appeal." Therefore, out of an abundance of caution, the Court will treat the letter as a notice of appeal from his sentence in this matter. Accordingly, the Clerk is respectfully requested to process deft's letter and treat it as a notice of appeal. (Signed by Judge Gerard E. Lynch on 2/4/08)(bw) (Entered: 02/05/2008)
02/06/2008	20	Letter by Julio Mejia, addressed to Judge Lynch, from Julio Cesar Mejia, dated 1/29/08, re: informing the Court of my intention of appealing to The Escape Valve Law - this law will act on my favor to reduce my jail time. (ja) (Entered: 02/07/2008)
02/07/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Julio Mejia to US Court of Appeals re: <u>21</u> Notice of Appeal - Final Judgment. (tp) (Entered: 02/07/2008)
02/25/2008		USCA SCHEDULING ORDER as to Julio Mejia related to <u>21</u> Notice of Appeal - Final Judgment filed by Julio Mejia, USCA Case Number 08-0656-cr. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 2/19/08. Appeal Record due by 3/10/2008. (tp) (Entered: 02/26/2008)